

JAN 27 2009

PTO/SB/64 (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
03013/01D1

First named inventor: **Coren et.al.**

Application No.: **10/076247**

Art Unit: **1655**

Filed: **01/14/2002**

Examiner:

Title: **ANTIVIRAL COMPOSITION DERIVED FROM ALLIUM CEPA AND THERAPEUTIC USE THEREOF**

Attention: Office of Petitions
Commissioner for Patents
MS DAC
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

☒ has been filed previously on _____.

☒ is enclosed herewith.

B. The issue fee of \$810.

☐ has been paid previously on _____.

☒ The Commissioner is authorized to charge deposit account 501518 for the RCE fee **SMALL ENTITY**.

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Response to 13 November 2006 Final Office Action
USSN: 10/076247; FAX: 571-273-8300
CONFIDENTIALITY NOTICE: THIS INFORMATION IS UNCLASSIFIED

ROBERT W. STROZIER, P.L.L.C.

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3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity or \$1,280 for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

Applicants attorney filed a Brief for Appeal, but never seems to be able to conform to the Office guidelines that seem to always move. Applicants never intended this application to go abandoned. Applicants' attorney bears the error as the appeal response was incorrectly docketed. Applicants, therefore, respectfully request the granting of this appeal.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

28 February 2002
Date

Signature

Telephone
Number: (713)977-7000

Robert W. Strozier
Typed or printed name

2025 Dickinson Dr. Ste 930
Houston, TX 77042
Address

PO Box 429
Bellair, TX 77402-0429

Enclosures ☒ Fee Payment:

- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

571-273-8300
FAX Number

CERTIFICATE OF TRANSMISSION VIA FACSIMILE

27 January 2009
Date of Deposit

I hereby certify that this response is being transmitted via facsimile transmission to:

Commissioner of Patent
MS DAC

Robert W. Strozier

P.O. Box 1450, Alexandria, VA 22313-1450

27 January 2009
Date of Signature

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2009-01-27 10:44:59 AM [Eastern Standard Time] * SVR:USPTO-EFXXRF-6/29 * DNIS:2738300 * CSID:7139777011 * DURATION (mm:ss):03:48

ROBERT W. STROZIER, P.L.L.C.